REMARKS

By this amendment, the specification and claims 1-13 have been amended. Claims 1-13 remain in the application. Support for the amendments can be found the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, as amended, is respectfully requested.

The Specification

The specification has been amended to correct for minor typographical errors.

Objection to the Claims

Claim 6 was objected to because of informalities. Applicant respectfully traverses this rejection for at least the following reason. As now presented, claim 6 has been amended by clarifying the language "to process <u>corresponding original input signals of the N input channels</u> to generate" in the claim. Support for the amendment to claim 6 can be found in the specification at least on page 6, line 5. (An amendment similar to the amendment to claim 6 has also been made to the specification on page 3, lines 17-26, as presented herein above.) Objection to the claim is now believed overcome.

Rejection under 35 U.S.C. §102

Claim 1 recites a multi-channel encoder operable to process input signals conveyed in a plurality of input channels to generate corresponding output data comprising down-mix output signals together with complementary parametric data, the encoder including:

(a)   a down-mixer for down-mixing the input signals to generate the corresponding down-mix output signals; and

(b)   an analyzer for processing the input signals, said analyzer being operable to generate said parametric data complementary to the down-mix output signals,

said encoder being operable when generating the down-mix output signals (i) to allow for subsequent decoding of the down-mix output signals (ii) for predicting (ii)(1) signals of channels processed and (ii)(2) then discarded within the encoder.

Support for the amendments to claim 1 (as well as for claim 9) can be found in the specification at least on page 6, lines 22-32; page 9, lines 25-31; and page 10, lines 1-20 (in particular, page 10, lines 3-6).

As presented herein, Claim 1 has been amended to more clearly articulate the novel and non-obvious distinct features thereof. For instance, as disclosed in the original specification on page 6, lines 22-32, "[O]utput signals of M down-mix channels generated by a fixed down-mix *cannot* be used to regenerate substantially perfect representations of original input signals of N channels *when* information relating to such *N-M channels* has been at least partially *discarded during encoding*. However, the inventors have appreciated that these N-M channels can at least partially *be predicted* [*that is, in the decoder*] when suitable processing is applied to the M down-mix channels, for example to the outputs 610, 620." (*Emphasis added.*) Furthermore, as disclosed in the original specification on page 9, line 25 through page 10, line 6, "[T]he decoder 10 regenerating representations of the original input signals for CH1 to CH3 is *only capable* of generating *substantially perfect representations* when the two down-mix channels $L_0[k]$ and $R_0[k]$ are *supplemented with* an appropriate set of *parameters* to *substantially regenerate* the N-2 *missing channels*" and "information of the N-2 *discarded channels* can be *predicted* from the two down-mix channels $L_0[k]$ and $R_0[k]$, thereby providing a way of *enhancing accuracy* of *regeneration* of the aforesaid representation of the original input signals of channels CH1 to CH3 at a corresponding decoder." (*Emphasis added.*)

Claims 1-7 were rejected under 35 U.S.C. §102(b) as being anticipated by Craven et al. (US 7,193,538, hereinafter referred to as "**Craven**"). Applicant respectfully traverses this rejection for at least the following reasons.

> The PTO provides in MPEP § 2131 that
> *"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claim 1, to sustain this rejection the **Craven** reference must contain <u>all</u> of the above claimed elements of the respective claim. However, contrary to the examiner's position that all elements are disclosed in the **Craven** reference, the latter reference <u>does not</u> disclose an "encoder being operable *when generating* the down-mix output signals *(i)* to allow for <u>*subsequent*</u> <u>*decoding*</u> of the down-mix output signals *(ii)* for <u>*predicting*</u> *(ii)(1)* <u>*signals*</u> of channels processed <u>and</u> *(ii)(2)* then <u>*discarded*</u> within the encoder" [*emphasis added*] as is claimed in claim 1. In other words, the "*predicting (ii)(1)* <u>*signals*</u> of channels processed <u>and</u> *(ii)(2)* then <u>*discarded*</u> within the encoder" occurs during subsequent decoding within a decoder. Therefore, the rejection is not supported by the **Craven** reference and should be withdrawn.

In contrast, the **Craven** reference discloses, for example, in column 7, lines 5-16, that to play a two channel downmix, "substreams are separated but only substream 0 is retained, buffered and decoded to furnish signals m_0, and m_1. From these the matrix Matrix 0 derives the desired signals L_0 and R_0, ..." In a further example, "'Matrix 0' in FIG. 3 is redundant and can either be replaced by the identity matrix or omitted." However, the **Craven** reference <u>does not</u> disclose "an "encoder being operable *when generating* the down-mix output signals *(i)* to allow for <u>*subsequent*</u> <u>*decoding*</u> of the down-mix output signals *(ii)* for <u>*predicting*</u> (i.e., in a decoder) (ii)(1) <u>signals</u> of channels processed <u>and</u> (ii)(2) then <u>discarded</u> within the encoder" as is claimed in claim 1.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

Claims 2-8 and 11-13 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

With respect to claim 9, the same has been amended herein in a similar manner as with respect to the amendment to claim 1. Claim 9 is believed allowable over the **Craven** reference for the reasons stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 9 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

Claims 10 depends from and further limits independent claim 9 and therefore is allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1 and 9 are in condition for allowance. Claims 2-8 and 11-13 depend from and further limit independent claim 1 and therefore are allowable as well. Claim 10 depends from and further limits independent claim 9 and therefore is allowable as well.

PATENT

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The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-13 is requested.

Respectfully submitted,

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